

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CHARLES CRICK,

Defendant.

8:07CR101

ORDER

This matter is before the court on the motion to continue by defendant Charles Crick (Crick) (Filing No. 27). Crick seeks a continuance of the trial of this matter which is scheduled for September 4, 2007. Crick's counsel represents that counsel for the government has no objection to the motion. Crick's counsel represents that Crick consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Crick's counsel further represents that Crick is presently unable to physically stand trial because of various ailments (Filing No. 28). Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Crick's motion to continue trial (Filing No. 27) is granted.
2. Trial of this matter is re-scheduled for **October 29, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 29, 2007 and October 29, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case and the defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B) and (h)(3)(A).
3. Counsel shall participate in a telephone conference with the undersigned magistrate judge **at 3:00 p.m. on October 12, 2007**, for the purpose of determining the status of the case. Counsel for plaintiff shall initiate the telephone conference.

DATED this 29th day of August, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge